

REMARKS

1. Present Status of Patent Application

In response to the non-final office action dated September 7, 2005, Applicant respectfully requests reconsideration based on the foregoing amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

2. Indication of Allowable Subject Matter

Applicant greatly appreciates the Examiner's statement in the previous Office Action in which claims 6, 7, and 18-19 have been indicated as allowed.

Accordingly, the remaining claims have been rewritten to depend from respective claims 6, 7, and 18-19 or have been amended to include similar novel features, and Applicant respectfully submits that the claims, as presented, are in condition for allowance.

3. Response To Rejection of Claims 2-5, 8-10, 14-17, 20-22, 26-29, and 30-34 Under 35 U.S.C. §103(a)

In the Office Action, claims 2-5, 8-10, 14-17, 20-22, 26-29, and 30-34 stand rejected under 35 U.S.C. §103(a) as purportedly being obvious over *Staphanos* (U.S. Patent Publication No. 2002/0134083) in view of *Melamed* (U.S. Patent Publication No. 2004/0107415) in further view of *Schick* (U.S. Patent Publication No. 2004/0102872). For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981).

a. Claims 2-3

Without addressing the validity of the rejection, claims 2-3 have been canceled without prejudice, waiver, or disclaimer, and therefore the rejection has been rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the

subject matter of these canceled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

b. Claims 2-5, 8-10, 14-17, and 20-22

Claims 2-5, 8-10, 14-17, and 20-22 depend from respective base claims 6 and 18 which have been indicated as being allowed. Therefore, claims 2-5, 8-10, 14-17, and 20-22 should also be allowed.

c. Claims 26-29, and 30-34

Independent claim 30 is allowable for at least the reason that claim 30 shares novel features with independent claim 18, which has been indicated as being allowed. Therefore, independent claim 30 and claims 26-29 and 31-34 (which depend from claim 30) should be allowed.

CONCLUSION

Any statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,


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